

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Courts and Board Room, York County District Courts Building, Yorktown, Virginia, on the 15th day of January, 1997:

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<u>Present</u>	<u>Vote</u>
Jere M. Mills, Chairman	Nay
Sheila S. Noll, Vice Chairman	Yea
Walter C. Zaremba	Abstain
Albert R. Meadows	Yea
James W. Funk	Yea

On motion of Mr. Funk, which carried 3:1:1, the following resolution was adopted:

A RESOLUTION TO APPROVE A USE PERMIT TO AUTHORIZE THE
CONSTRUCTION AND MAINTENANCE OF A 250-FOOT SELF-
SUPPORTING COMMUNICATIONS TOWER AND ASSOCIATED
EQUIPMENT

WHEREAS, Robert S. Kraus has submitted Application No. UP-509-96 which requests a use permit pursuant to Sections 24.1-306, 24.1-493 and 24.1-494 of the Zoning Ordinance to authorize construction and maintenance of a 250-foot freestanding lattice communications tower with associated equipment. The subject parcel is located at the intersection of Old York Road and Penniman Road near the Route 199 and Interstate 64 interchange and is further identified as Assessor's Parcel No. 11-31A; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Commission has recommended denial of this application; and

WHEREAS, the Board has carefully considered the recommendation of the Commission and has conducted a duly advertised public hearing;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of January, 1997 that Application No. UP-509-96 be, and it is hereby, approved subject to the following conditions:

1. This use permit shall authorize construction and maintenance of a self-supporting communications tower no shorter than 175 feet tall and no higher than 250 feet tall with associated equipment on a parcel located at the intersection of Old York Road and Penniman Road near the Route 199 and Interstate 64 interchange. The subject parcel is further identified as Assessor's Parcel No. 11-31A.
2. A site plan, prepared in accordance with Article V of the York County Zoning Ordinance, shall be submitted to and approved by the county prior to commencement of any construction activity on the subject property. Except as modified herein, said plan shall substantially adhere to the sketch plan submitted by the applicant dated December 7, 1996, a copy of which is located in the application files for this request maintained by the County.
3. No building permit for the tower authorized by this special use permit shall be issued until the applicant provides evidence that the Federal Aviation Administration (FAA) has granted a permit for said tower. If said FAA permit requires tower lighting, FAA approved lighting that uses precision focusing optics shall be used to reduce the level of lighting that can be seen from ground elevation.
4. No communications equipment shall be installed which will in any way interfere with the county emergency communications system. Should any equipment associated with this facility be found by the county to have such an impact, the applicant shall be responsible for the elimination of said interference within twenty-four (24) hours of receipt of notice from the county.
5. If at any time the communications tower shall cease its operation, the property owner shall cause the tower to be dismantled and removed within six (6) months from the date the tower ceases to operate, unless the owner shall present evidence satisfactory to the Zoning Administrator that a binding lease with another wireless user has been executed or will be within a reasonable period of time.
6. The communications tower shall be structurally designed so as to accommodate a total of no fewer than six (6) wireless users; at least four (4) of the tower locations shall be capable of supporting either PCS or cellular antenna arrays.

7. The communications tower shall adhere to all standards listed in Section 24.1-494 of the York County Zoning Ordinance.
8. The tower shall have a non-reflective galvanized finish that is generally grey in color.
9. No advertising or signs other than small warning or safety signs shall be permitted on the tower.
10. No microwave dishes or other dish or conical shaped antennae shall be permitted on the tower without approval of the York County Board of Supervisors by resolution. Photo simulations of the visual impacts of such antennae shall be provided to the Board prior to its decision.
11. No building permit for the tower authorized by this permit shall be issued except upon the presentation of evidence of fully executed lease contracts acceptable to the County Attorney committing no fewer than two (2) commercial digital wireless communications providers to locate on the tower. The term of any such lease shall be for no less than five (5) years.
12. The entrance to the subject property shall be constructed in accordance with Virginia Department of Transportation (VDOT) standards for commercial entrances.
13. A report from a registered structural or civil engineer shall be submitted to the county prior to the issuance of a building permit indicating the tower's height and design, structure, installation and total anticipated capacity of the structure. These data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and the structural requirements of National EIA-222, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures." The tower shall be designed with a wind loading factor of 100 miles per hour when loaded with four PCS or cellular arrays).
14. The applicant shall provide, prior to the issuance of a building permit, a statement from a registered engineer certifying that NIER (nonionizing electromagnetic radiation) emitted from the tower does not result in a ground level exposure at any point outside such facility that exceeds the maximum exposure permitted by the Federal Communications Commission (FCC).

15. No fewer than thirty-six (36) evergreen trees shall be planted around the tower facility in accordance with Article II of the Zoning Ordinance.
16. The applicant shall reserve at least one (1) space on the tower for two (2) antennae for use by the county. The County shall determine within twenty-four (24) months of tower erection if it will make use of the locations so reserved. Both the reservation for the county and the use by the county shall be at no cost to the county for as long as the county uses the tower.

A Copy Teste:

FINAL VERSION

Mary E. Simmons
Deputy Clerk